

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iguchi et al., Pub. No.: 2002/0169960 A1 (hereinafter "Iguchi") in view of Shiraki et al., Patent No.: 5,892,979 (hereinafter "Shiraki").

Regarding claim 1, neither Iguchi nor Shiraki, alone or in combination, discloses, teaches or renders foreseeable that if there is no space area for downloading or installing data in the first memory, said data processing section moves to the second memory arbitrary data which is accumulated in the first memory and possible to be moved in order to create space area in the first memory sufficient to perform the downloading or installing.

Iguchi does not disclose the above feature, as admitted by the Examiner in the Office action.

The Examiner thinks that when saving buffer 1020 has no available space, the overflow control unit 2030 secures a new saving area for saving data in either FIFO buffer unit 1010 or saving buffer 1020 because the overflow control unit 2030 can write data into either one of FIFO buffer unit 1010 and saving buffer 1020. *The Examiner alleges the saving buffer 1020 as a first memory, and the FIFO buffer 1010 as a second memory as claimed.*

Certainly, Shiraki, col. 17, paragraph (E) states that when saving buffer 1020 has no available space, the overflow control unit 2030 secures a new saving area for saving data. However, there is no disclosure in Shiraki that the overflow control unit 2030 secures a new saving area so that the area corresponding to data in the FIFO buffer 1010 is moved to the saving buffer 1020 to create space in saving buffer 1020 (the alleged first memory). In fact, Shiraki merely states that a new saving area is secured when available space is not sufficient.

Further, the Examiner states that when saving buffer 1020 (the alleged first memory) has no available space, the area corresponding to data in the FIFO buffer 1010 (the alleged second memory) is moved to the saving buffer 1020 (the alleged first memory). However, in claim 1, when there is no apace area in the first memory, the arbitrary data which is accumulated in the first memory is moved to the second memory. Thus, the movement in Shiraki is opposite to that of the claimed invention.

Further, the Examiner states in the Office action, page 3 that 1010 available space which corresponding to any data which is accumulated in FIFO buffer unit 1010 is moved to saving buffer 1020 in order to create space area in FIFO buffer unit 1010. As mentioned above, this point is not disclosed in Shiraki. Moreover, it is clear that if the 1010 available space is moved to the saving buffer 1020, it conflicts with creating space area in FIFO buffer unit 1010.

As mentioned above, Shiraki fails to teach the movement feature as claimed. Iguchi also states nothing on the feature, as admitted by the Examiner in the Office action. Thus, claim 1 is patentable over the combination of Iguchi and Shiraki.

Appl. No. 10/782,556
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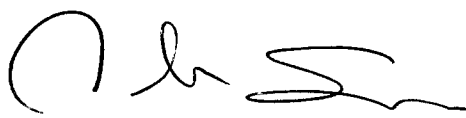
Claims 2-15 and 17 which are dependent from claim 1 should also be allowable for at least the same reason.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-36462.

Respectfully submitted,

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